

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19370 of 2015

Arising Out of PS.Case No. -689 Year- 2014 Thana -GOVERNMENT OFFICIAL COMP. District-
PATNA

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1. Vipin Gupta Son of Deen Dayal Gupta Resident of Arya Nagar, Kanpur,
Ps- Nawanganj, District- Kanpur(UP)

.... Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through customs department

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bajarangi Lal

For the Opposite Party/s : Mr. Shardanand Jha(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 18-09-2015 Counter affidavit is filed on behalf of the Union of

India.

Heard learned counsel for the petitioner as well as

learned Counsel appearing for Union of India.

The petitioner is languishing in jail custody since 12-
12-2014 on the accusation that 4.227 kgs. Gold worth Rs.
1,14,02,882/- was recovered from his conscious possession, for
which, petitioner is being prosecuted for the offence punishable
under Sections-132, 135(i)(b) of Customs Act and the aforesaid
gold was seized and confiscation proceeding is going on.

Learned counsel, appearing for petitioner submits

that even if, it assumed that the aforesaid recovery has been made

from conscious possession of the petitioner, then also, according to prosecution case itself, the aforesaid gold was being carried out by the petitioner in a bag and therefore, there was no concealment and moreover, petitioner is in jail custody since long and there is no possibility of conclusion of trial of the petitioner in near future.

Learned counsel, appearing for Union of India opposed the prayer, submitting that the petitioner was found indulged in gold smuggling and therefore, he does not deserve the privilege of bail.

Admittedly, the address and other verification of the petitioner have already been done and the case is pending for trial but there is nothing on the record to show that the trial of the petitioner is going to be concluded in near future. Moreover, taking note of the period of detention of the petitioner in jail custody as well as facts and circumstances of the case, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 50,000/- (fifty thousand) with two sureties of the like amount each in connection with Special Case No. 689 (C) of 2014 to the satisfaction of learned Special Judge, Economic Offences Court, Patna subject to condition that one of the sureties must be close relative of the petitioner, who shall file an affidavit giving details as to how he is related with the petitioner and furthermore,

another surety shall be holder of landed property.

(Hemant Kumar Srivastava, J)

A.K.V./-

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